

REMARKS/ARGUMENTS

Claim Rejections - 35 USC § 112

The Examiner rejected claims 1-10, 12-14, 42-45, 47 and 51 under U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the claimed invention.

Applicant has amended claims 1 and 44 to overcome the rejections. "Free ends of flock" has been replaced with "said flock comprised of first ends and opposing second ends".

Examiner rejected claims 2-10, 12-14 and 42 for their dependency upon Claim 1, the amended Claim 1 overcomes the rejections to these dependent claims.

Claim 4 has been amended to overcome the rejection. The flocked assembly is now "positioned on the substrate and adhered to the substrate" per paragraph [0006] lines 3 through 10 of the specification.

The rejection of claim 5 is overcome by its dependency on amended claim 4 .

Claim 45 has been amended to correct the antecedent basis. The improperly relied upon "carrier sheet" has been replaced with the proper antecedent based "release sheet" of claim 3.

Applicant has amended claims 1 and 43 to remove any indefiniteness between the rejected independent claims 1 and 43 and their dependent claims. Claim 1 now recites: "wherein the thermosetting film is free of a binder adhesive," and claim 43 now recites: "there is no intermediate adhesive positioned between the thermosetting film and the flock."

The dependent claims 4 and 10 were appropriately amended to remove any indefiniteness between them and their parent independent claim 1. Claim 4 now recites "free of an acrylic adhesive" and claim 10 now recites "there is no hot melt thermoplastic adhesive located between the thermosetting film and the flock".

Claim 46 was amended to be compliant with the amended claim 43. Claim 46 now recites "wherein said second ends of flock are not in contact with a hot melt binder adhesive."

Claim 47 now recites “wherein the thermosetting film is not in contact with an acrylic or a hot melt thermoplastic adhesive” and claim 51 now recites “there is no acrylic or hot melt thermoplastic adhesive located between the thermosetting film and the flock”.

Claim 9 has been canceled.

Claim 10 was amended per Examiner’s suggestion per paragraph 19 on page 8 of Office Action dated February 20, 2007. As such, the claim is now allowable.

The Examiner rejected claims 1, 2, 6, 12-14, 42-44, 50, 52, and 53 under 35 U.S.C. 102(b) as being anticipated by US 5,338,603 to Mahr, Sr. Et al.; the Examiner further rejected claims 45-49 as being unpatentable under 35 U.S.C. 103(a) over Landler, US 4,418,106, which teaches “the use of a flock transfer to apply the flock fibers onto a thermosetting layer” in view of Abrams et al., US 4,810,549, which teaches “the use of said transfers having release sheets and a release agent”; the Examiner also rejected claims 47 and 48 as being unpatentable over the Landler (US 4,418,106) which teaches “the use of a flock transfer to apply the flock fibers onto a thermosetting layer” over Abrams et al. (US 4,810,549) which teaches “the use of said transfers having release sheets and a release agent” and for selecting a “known material on the basis of its suitability for intended use” citing *In re Leshin*, (125 USPQ 416); and the Examiner rejected claims 3-5, 7, 8, and 45-49 under 35 U.S.C. 103(a) as being unpatentable over Mahn, US 5,338,603, which discloses “an ornamental heat transfer comprising an upper decorative layer and a lower thermoset layer of uncured linear saturated polyester film” (abstract).

Claim 1 has been amended to include the limitation of the allowable dependent claim 10 and therefore is now allowable.

Claims 2-8 and 10-14 are now allowable for reason of their dependency on claim 1.

Claim 43 has also been amended to include a limitation of allowable dependent claim 10.

Claims 44-53 are allowable for reason of their dependency on allowable claim 43.

New claim 54 is allowable for reason of their dependency on allowable claim 43.

New claim 55 is allowable as stated in at page 8, paragraph 19 of Office Action dated February 20, 2007.

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New claims 56-63 are allowable for reason of their dependency on claim 55.

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